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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,781	11/10/2003	Satoshi Mizutani	20050/0200483-US0	4387
7278	7590	08/14/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,781

Applicant(s)

MIZUTANI ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7-9,13,15-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,13 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 is finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 24, the phrase “the finger application region” lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 13, 19 and 21-23 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6,270,486; hereinafter Brown'486) in view of Farris et al. (6,131,736; hereinafter Farris'736) or Osborn, III. et al. (6,299,607; hereinafter Osborn'607). Brown'486 discloses a wrapping body in the embodiment of Figures 8-9 comprising an interlabial pad (20) having a longitudinal direction and a lateral direction and substantially form an elongated shape in the longitudinal direction and the interlabial pad being folded along a center line of the interlabial pad in the longitudinal direction, and an individual container (50) for individually wrapping the interlabial pad. The container having a main body defined an opening for containing the interlabial pad and a cover with tabs (56) for covering the opening and a part

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of the main body. Brown'486 further discloses the cover is forming an unwrapping portion and the end edge portion of the cover can be of any suitable configuration (column 15, lines 50-53). Brown'486 also discloses the other claimed limitations a compact state except for the main body with the opening of the container for containing the longitudinal direction of the interlabial pad. Farris'736 shows a wrapping container (40) for wrapping an absorbent pad such as an interlabial pad (20) comprising a main body (49) having an opening for containing a longitudinal direction of the interlabial pad (Figure 2). Osborn'607 suggests a wrapping container (40) for wrapping an absorbent device (20) comprising a main body having an opening for containing a longitudinal direction of the absorbent device (Figures 6-8).

It would have been obvious to one having ordinary skill in the art in view of Farris'736 or Osborn'607 to modify the wrapping container of Brown'486 so the wrapping container comprises an opening for containing the longitudinal direction of the interlabial pad to facilitate packaging and removing the interlabial pad from the wrapping container. The container of Brown'486 as modified would provide a more compact state.

As to claims 8 and 9, Osborn'607 suggests a resealable sealing means (36).

As to claim 13, Brown'486 discloses the interlabial pad and the wrapping container have a longitudinal direction and a lateral direction and substantially form an elongated shape in the longitudinal direction. The embodiment of Figures 8 and 9 of Brown'486 appears to show the wrapping container is in a range of 105 to 130% of a dimension in the longitudinal direction of the interlabial pad.

5. Claim 20 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 19 above, and further in view of the published Japanese Patent

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Application No. 2000-051265 to Kao Corp (hereinafter Kao Corp). Brown'486 further fails to show an internal surface of the main body comprises a fine projection. Kao Corp shows an individual wrapping container (1, 3) comprising a main body containing an absorbent pad (2) and a cover that covers a part of the main body (Figure 4). An internal surface (6) of the main body comprises a fine projection (page 5, paragraph 0011). It would have been obvious to one having ordinary skill in the art in view of Kao Corp to modify the main body of Brown'486 as modified so an internal surface of the main body comprises fine projection for better securing the pad.

6. Claim 24 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 19 above, and further in view of Wilkman (6,305,531). To the extent that the Examiner can determine the scope of the claim, Brown'486 as modified further fails to show a mark where the wrapping container is to be held. Wilkman teaches a container (20) having a notch (28) to indicate where the container is to be held which is considered equivalent to the mark as claimed. It would have been obvious to one having ordinary skill in the art in view of Wilkman to modify the wrapping container of Brown'486 as modified so the container includes a mark to indicate where the container is to be held to provide more convenient for the user.

Response to Arguments

Applicant's arguments with respect to 6/22/2006 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
August 9, 2006



Luan K. Bui
Primary Examiner
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